

**LABOR SERVICES DIVISION[875]**

**Adopted and Filed**

**Rule making related to OSHA standard for crane operator training**

The Labor Commissioner hereby amends Chapter 26, “Construction Safety and Health Rules,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 88.5.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 88.

*Purpose and Summary*

This amendment aligns Iowa’s occupational safety and health standards for crane operator training in the construction industry with the corresponding federal standard. A duty for an employer to ensure that a crane operator is competent to operate the crane safely was set to expire, but these changes make that duty permanent and set forth minimum requirements for making the determination. The changes also remove a requirement that crane operators become certified based on the equipment “type and capacity.” Instead, the certification shall be based on “type and capacity” or “type.”

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 2, 2019, as **ARC 4198C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Commissioner on February 6, 2019.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commissioner for a waiver of the discretionary provisions, if any, pursuant to 875—Chapter 5.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on April 3, 2019.

The following rule-making action is adopted:

Amend rule **875—26.1(88)** by inserting the following at the end thereof:

83 Fed. Reg. 56244 (November 9, 2018)

[Filed 2/6/19, effective 4/3/19]

[Published 2/27/19]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 2/27/19.